

Appl. No. 09/771,977  
Amdt. Dated October 29, 2004  
Reply to Office action of August 3, 2004  
Attorney Docket No. P12291-US1  
EUS/J/P/04-2147

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended claims 1 and 3. Applicant respectfully submits no new matter has been added. Claims 1-7, 10-23 and 25-33 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Allowable Subject Matter**

The Applicant thanks the Examiner for the allowance of claims 5-7, 10-23 and 25-30. The Applicant also thanks the Examiner for the allowance of claims 31-33, added in Applicant's prior response.<sup>1</sup>

#### **3.) Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected claims 1-4 as being anticipated by Johnson (US 4,031,469). The Applicant has amended claims 1 and 3 and, as amended, traverses the rejection of those claims, and claims 2 and 4 which are dependent therefrom.

In response to Applicant's prior arguments for the allowance of claims 1 and 3, the Examiner states that the claims:

"merely state a calibrating signal for measuring the gain of one or more amplifiers without using a received input signal, nowhere in the claim did it go into the specific details of either using or not using a local oscillator signal to calibrate the amplifier gain is an essential element of the claimed invention."

The Examiner's statement as to the limitations of claims 1 and 3 is incorrect, because those claims recite more than merely a "calibrating signal." Claims 1 and 3 recite: 1) the generation of a noise signal produced by one or more amplifiers when no input signal is connected, and 2) using the noise signal as a calibrating signal for estimating a corresponding gain of the one or more amplifiers." In contrast to Applicant's invention,

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<sup>1</sup> Although the Examiner notes the allowance of claims 31-33 in the Detailed Action, the Examiner failed to indicate those claims as allowable on the Office Action Summary. Applicant requests that a subsequent Notice of Allowance properly note the allowance of those claims.

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Johnson utilizes the signal from an oscillator to calibrate the amplifier gain. As shown in Figure 2 of Johnson, a 400 MHz oscillator 62 is coupled to the amplifier by switch 66 when the receiver is placed in calibrate mode (via switches 64, 46 and 66). Thus, Johnson does not disclose using a signal generated by one or more amplifiers themselves, such as an amplifier's inherent noise signal, as a reference signal to calibrate the gain of the amplifiers. Therefore, Johnson fails to anticipate claim 1. To expressly distinguish the invention of claims 1 and 3, the Applicant has amended those claims to state that use of the noise signal for calibration allows the one or more amplifiers to be calibrated using a signal that is not the output of an oscillator. Therefore, claims 1 and 3 are clearly not anticipated by Johnson. Whereas claims 2 and 4 are dependent from claims 1 and 3, respectively, and include the limitations thereof, those claims are also not anticipated by Johnson. The Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1-4.

\* \* \*

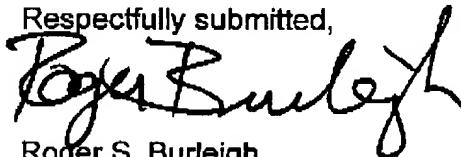
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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all claims 1-7, 10-23 and 25-33.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh  
Registration No. 40,542

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-5799  
roger.burleigh@ericsson.com